

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

JAMES A. BURK, JR.,	:	
et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Case No.
	:	2:20-CV-6256
CITY OF COLUMBUS, et	:	
al.,	:	
	:	
Defendants.	:	

- - -

MAY 25, 2023

Remote Deposition of SARAH AL MALIKI,
taken pursuant to notice and conducted at the
location of the witness in Lewis Center, Ohio,
commencing at 10:00 a.m. Eastern Standard Time, on
the above date, before Sara S. Clark, Registered
Professional Reporter, Registered Merit Reporter,
and Certified Realtime Reporter.

- - -

Reported by: Sara S. Clark, RMR/CRR/CRC

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1 A P P E A R A N C E S

2 (via Zoom)

3 ON BEHALF OF THE PLAINTIFFS:

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7

8 ON BEHALF OF THE DEFENDANTS:

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15 ALSO PRESENT:

16 Rachel Veneman, Law Clerk
Tristan Monteith, Law Clerk
17 Daemon Rhein, Law Clerk

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1	I N D E X		
2	- - -		
3	<u>WITNESS</u>		<u>PAGE</u>
4	SARAH AL MALIKI		
5	Examination By Mr. Bond:		4
	Examination By Ms. Pickerill:		26
6	Further Examination By Mr. Bond:		36
	Further Examination By Ms. Pickerill:		38
7	- - -		
8	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
9	Exhibit 1	Video	9
10	Exhibit 2	Video	14
11	Exhibit 3	911 Audio Recording	18
12	Exhibit 4	Affidavit of Sarah Al Maliki	26
13			
14	- - -		
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 - - -

2 P R O C E E D I N G S

3 - - -

4 STENOGRAPHER: Do all parties agree to
5 the remote swearing in of the witness?

6 MR. BOND: Plaintiff agrees.

7 MS. PICKERILL: Defendants agree as
8 well.

9 THE WITNESS: Yes.

10 - - -

11 SARAH AL MALIKI

12 being by me first duly sworn, as hereinafter
13 certified, testifies and says as follows:

14 EXAMINATION

15 BY MR. BOND:

16 Q. Hi, Sarah. Good morning. My name is
17 Jon and I represent Agent Jim Burk in an action he
18 has against the City of Columbus related to an
19 incident that took place outside of your apartment
20 on Edgebrook Drive in 2020.

21 Do you remember that encounter?

22 A. Yes.

23 Q. Before we get into that, why don't we
24 just do some background about you.

25 Can you just tell me your full name.

1 A. Sarah Al Maliki. S-A-R-A-H, A-L
2 M-A-L-I-K-I.

3 Q. And, Sarah, what is your address?

4 A. Now, or --

5 Q. Now.

6 A. 342 Holly Grove Road. The ZIP code
7 43035.

8 Q. And what is your cell phone number?

9 A. 614-369-7088.

10 Q. Sarah, are you a United States citizen?

11 A. No.

12 Q. Okay. Where are you a citizen of?

13 A. From Iraq.

14 Q. Okay. And how long have you been in the
15 United States?

16 A. Almost seven years.

17 Q. Tell me, what -- is English your first
18 language or is that your second language?

19 A. No, that's my second language.

20 Q. And what's your first language?

21 A. Arabic.

22 Q. And how long have you been speaking
23 English?

24 A. Like, when I came here. Like -- more
25 than seven years. Because we use English in our

1 country, but we don't speak it.

2 Q. Okay. I'm taking your deposition today.

3 Have you ever had your deposition taken before?

4 A. No, this is the first time.

5 Q. Okay. I'll just give you some quick
6 rules. You're doing a great job so far, but I'm
7 just going to ask you a series of questions about
8 what you remember. Let's try not to talk over
9 each other. So wait until I'm done with my
10 question before you start answering and I'll wait
11 for you to finish your answer before I ask the
12 next question so we don't, you know, end up
13 talking over each other.

14 If I ask a question that's confusing or
15 you're not sure, ask me to clarify or just tell me
16 you're confused and I'll ask you in a different
17 way that might make more sense.

18 A. Yes.

19 Q. I don't anticipate that we're going to
20 be very long today, but if you do need a break at
21 any point in time, just ask for a break. If you
22 need to go to the bathroom, just let me know.
23 That's perfectly fine.

24 And then lastly, you did take an oath,
25 so do you understand that you have to tell the

1 truth today?

2 A. Yes.

3 Q. Okay. So that encounter where

4 Agent Burk came to the door of your apartment --

5 A. Yes.

6 Q. -- that was on July 7th, 2020. Is that

7 how you remember it?

8 A. Yes.

9 Q. Okay. And when Agent Burk came to your
10 door in 2020, it was in the afternoon, yes?

11 A. Yes, afternoon.

12 Q. And it was a sunny day that day, yes?

13 A. Yes. Sunny day, yeah.

14 Q. And when Agent Burk knocked on your
15 door, you kept the door closed, yes?

16 A. Yes.

17 Q. And then you talked to Agent Burk
18 through that closed door, yes?

19 A. Yes.

20 Q. Okay. And you both could hear each
21 other?

22 A. Could you repeat again?

23 Q. You both could hear each other even
24 though --

25 A. Yes.

1 Q. -- the door was closed?

2 A. I can hear him and he can hear me, yes.

3 Q. And you could see Agent Burk as well?

4 A. No, I cannot see him. But I open the
5 window and see him through the window.

6 Q. Okay. So when --

7 A. I opened the curtain. Not the window,
8 the curtain.

9 Q. Okay. So when you told the police or
10 talked to the 911 operator and you said, "I could
11 see him. He's standing in front of my door," you
12 were looking at him through the window?

13 A. When I talk with the police office, 911,
14 I'm in my kitchen. That's in the front. But I
15 see him before I talk with the police.

16 Q. Okay. So at a certain point in time,
17 you could see him through your window?

18 A. Yes. I -- at the certain time, no. I'm
19 in the kitchen. When I called the 911, I'm in the
20 kitchen.

21 Q. Okay. And when you saw Agent Burk, he
22 had a piece of paper in his hands, yes?

23 A. I don't remember the paper.

24 Q. And while you waited for the police to
25 show up, Agent Burk was standing in front of your

1 door, yes?

2 A. Yes.

3 Q. I want to fast-forward to kind of the
4 end of the encounter before we get into it and
5 then kind of work our way back.

6 Do you remember -- so after everything
7 kind of settled down a little bit, do you remember
8 the police came and talked to you afterwards to
9 ask you what happened?

10 A. Yes, I remember the police come and talk
11 with me.

12 Q. And you told those police officers who
13 came and talked to you about what happened, you
14 told them the truth, correct?

15 A. Yes.

16 MR. BOND: I'm going to show the witness
17 what I'll mark as Plaintiffs' Exhibit 1.

18 - - -

19 (Plaintiffs' Exhibit 1 marked.)

20 - - -

21 MR. BOND: Hang on one second here.

22 I'm going to share my screen with you
23 and let me know if you can see it. Hold on.

24 BY MR. BOND:

25 Q. Can you see my screen, Sarah?

1 A. Yes.

2 Q. Okay. And I'm going to play this video
3 for a few seconds and then ask you a question
4 about it. Okay?

5 A. Okay.

6 (Video played.)

7 Q. Okay. So I paused this video,
8 Exhibit 1, at the 17 minute, 6 second mark.

9 Is that you that I see standing in the
10 doorway in the dress?

11 A. Yes.

12 Q. I'm going to hit play again starting at
13 17 minutes and 6 seconds and play the next
14 segment.

15 (Video played.)

16 A. I can't hear anything.

17 Q. You can't hear it, Sarah?

18 A. Yeah.

19 MR. BOND: Allie, can you hear anything
20 on this either?

21 MS. PICKERILL: (Shakes head.)

22 MR. BOND: I don't know the best way to
23 do this.

24 Can we go off the record for a second.

25 (Discussion held off the record.)

1 MR. BOND: So I'm going to play a clip
2 and then I'm going to ask Sarah some questions
3 about it.

4 Are you ready?

5 (Video played.)

6 MR. BOND: So I just played it from
7 17:07 to 17:20.

8 BY MR. BOND:

9 Q. So this officer in this clip, he asked
10 you, Sarah, what happened, and then you tell this
11 officer that Agent Burk told you that you had to
12 open the door because he's police, yes?

13 A. Yes. Yes, he told me that.

14 Q. And this wasn't in this conversation,
15 but I remember you telling the 911 operator at one
16 point Agent Burk also showed you his badge, yes?

17 A. Yes, he showed me his badge after our
18 conversation.

19 Q. Did he show you his badge through the
20 window, or how did you see it?

21 A. Through the window.

22 Q. Okay. And then you told Agent Burk that
23 you could not open the door because your husband
24 was not there, yes?

25 A. Yes.

1 Q. And while you were talking to Agent Burk
2 during this time, he was not trying to hide from
3 you, yes?

4 A. What do you mean he tried not to hide?

5 Q. He wasn't hiding? He was still just
6 standing in front of your door, correct?

7 A. Yes, he's still.

8 Q. And during this time, Agent Burk didn't
9 try to break your door down, did he?

10 A. He didn't try to break my door, but he
11 knocked very hard. He knocked very hard. He
12 tried to scare me, to force me to open the door.

13 Q. So he knocked on your door hard, yes?

14 A. Yes, very hard.

15 Q. And he was asking you to open the door,
16 yes?

17 A. Yeah. And when I told him my husband
18 not here, he say, "Liar. You are liar." That's
19 why I didn't trust him.

20 Q. Okay. And then a few minutes after
21 Agent Burk first arrived at your door, you called
22 the police, yes?

23 A. Excuse me. Again?

24 Q. You ended up calling the police, yes?

25 A. Yes, I called the police, yeah.

1 Q. And you told whoever you spoke to on the
2 phone --

3 A. Yes.

4 Q. -- the truth about what was happening,
5 yes?

6 A. Yes.

7 Q. Okay. And how long was it from when
8 Agent Burk started knocking on your door to when
9 you called the police?

10 A. I don't remember exactly, but what may
11 be three minutes, five minutes. I don't remember
12 exactly.

13 Q. So a few minutes?

14 A. Yeah. But, you know, I think it take
15 long time, but I don't remember what, because I'm
16 scared. I see, like, maybe one minute, it's maybe
17 long time for me. Maybe five minutes. I don't
18 know. Three minutes, five minutes, something like
19 that.

20 Q. Okay.

21 MR. BOND: I'm about to share the screen
22 again to show the witness -- and Sara, I'll send
23 you the videos afterwards so you have them -- what
24 we're going to call Plaintiffs' Exhibit 2.

25

1 - - -

2 (Plaintiffs' Exhibit 2 marked.)

3 - - -

4 MR. BOND: Hang on one second.

5 BY MR. BOND:

6 Q. Sarah, can you see this video that's on
7 the screen?

8 A. Yes.

9 Q. Okay. I have Exhibit 2 starting at the
10 49 second mark. I'm going to play it for a few
11 seconds and then stop it.

12 (Video played.)

13 Q. Sarah, I paused at 1 minute, 5 seconds.
14 That's you in the doorway again, yes?

15 A. Huh?

16 Q. That's you, again, in the doorway,
17 that's who that is?

18 A. Yes.

19 Q. Okay. Then let me hit play again from
20 the 1 minute, 5 second mark.

21 (Video played.)

22 A. I don't see the picture. Just the
23 sound. Is that okay?

24 Q. Yep, yep. That's just the way the video
25 is. I'll ask you about it in a second.

1 (Video played.)

2 Q. Could you hear what was being said
3 there?

4 A. Yes, I hear.

5 Q. And that's your voice, right, at the
6 1 minute, 24 second mark where I just paused it,
7 that's you speaking?

8 A. Yes, that's me.

9 Q. Let me hit play again from 1 minute, 24.
10 Hold on. I'm going to skip slightly ahead.
11 I'm at 1 minute, 38 and I'm going to hit
12 play.

13 (Video played.)

14 Q. Okay. So I just played it from
15 1 minute, 38 to 1 minute, 50.
16 That was still you talking in that clip,
17 yes?

18 A. Yes.

19 Q. Okay. So in this clip, you told this
20 officer that you told Agent Burk that you were
21 going to call the police, yes?

22 A. Yes.

23 Q. And then you say to this officer that
24 Agent Burk said to you, "Yes, you can call them,"
25 yes?

1 A. Yes.

2 Q. So then you did call the police, yes?

3 A. Yes, I did.

4 Q. And then you talked to someone on the
5 phone who worked with the police, yes?

6 A. Yes.

7 Q. And when you called the police,
8 Agent Burk did not run away, right?

9 A. No.

10 Q. Okay. He stayed in front of your door,
11 yes?

12 A. Yes.

13 Q. And he waited there until the police got
14 there, yes?

15 A. Yes.

16 Q. And when you were on the phone with the
17 police, you asked Agent Burk what police
18 department he worked for, yes?

19 A. Yes, sir, I ask him.

20 Q. And he told you he worked for ATF, yes?

21 A. Yes.

22 Q. Okay. And then you told the person on
23 the phone that Agent Burk said he was with ATF,
24 yes?

25 A. Yes.

1 Q. Okay. And then Agent Burk also told you
2 his name, yes?

3 A. Yes.

4 Q. And you told Agent Burk's name to the
5 person on the phone, yes?

6 A. I told Agent Burk what?

7 Q. You told his name to the person you were
8 speaking to on the phone.

9 A. Yes, I told 911 his name. And I told
10 James that I'm on with 911.

11 Q. Okay. So when you were on the phone
12 with 911, you also asked Agent Burk for his badge
13 number, yes?

14 A. Yes.

15 Q. And Agent Burk told you his badge
16 number, yes?

17 A. Yes.

18 Q. And then you told Agent Burk's badge
19 number to the person on the phone, yes?

20 A. Yes.

21 Q. And you also told Agent Burk that the
22 police were coming, yes?

23 A. Yes. When I ask him about his name and
24 his badge number, I already told him I'm with the
25 police on the phone, but he keep knocking on the

1 door.

2 Q. Okay.

3 A. He know I'm with the police on the phone
4 but he kept knocked on the door.

5 Q. And when you told him the police were
6 coming, he did not run away, yes?

7 A. Yeah, he did not run away.

8 Q. He stayed at your front door, yes?

9 A. Yes.

10 Q. And he waited for the police to show up,
11 yes?

12 A. Yes.

13 Q. And while you were waiting for the
14 police to come and you were on the phone with 911,
15 Agent Burk didn't try to break into your home,
16 right?

17 A. He didn't, but he kept knocked the door
18 even though he know the police would come.

19 Q. All right. Next I'm going to have you
20 listen to a little portion of the 911 call that
21 we're going to mark as Exhibit 3.

22 - - -

23 (Plaintiffs' Exhibit 3 marked.)

24 - - -

25

1 BY MR. BOND:

2 Q. Sarah, do you see a blank screen with
3 the media player on your device? Do you see that?

4 I'm going to hit play for a few seconds
5 and ask you a couple questions.

6 Actually, before I start, have you
7 listened to your 911 call before?

8 A. Yes.

9 Q. Okay. When did you listen to it?

10 A. Like, I don't remember. Maybe three
11 days ago.

12 Q. Okay. And why did you listen to it?

13 A. Because I have the deposition. That's
14 why I listen to.

15 Q. Who sent it to you?

16 A. Columbus City attorney.

17 Q. Who at the Columbus City attorney?

18 A. The lawyer, Allie.

19 Q. Allie, who is on the screen?

20 A. Yes.

21 Q. Okay. Hold on one second.

22 I'm going to hit play. We're at the 8
23 second mark on Exhibit 3.

24 (Audio played.)

25 Q. So I paused it at the 30 second mark.

1 Sarah, that's your voice, right?

2 A. Yes.

3 Q. I'm going to skip ahead to around 1:30.
4 Hang on one second. I'm at 1:29, and I'm going to
5 play again. Okay?

6 (Audio played.)

7 Q. Okay. So I paused it at 1 minute, 46
8 seconds.

9 The 911 operator asked you if he had
10 showed you a badge and you said, "Yes, he showed
11 me his badge," yes?

12 A. Yes.

13 Q. Okay. I'm going to hit play again and
14 listen to the next part.

15 (Audio played.)

16 Q. And then I paused it at the 2 minute
17 mark exactly.

18 Sarah, you said -- she asked you if
19 there's a name and number on it and you said no,
20 there's only a signal or symbol.

21 Do you know what you were saying there?

22 A. Maybe I say signal. I don't remember,
23 yeah.

24 Q. Do you think you're saying "symbol," or
25 do you think you're saying "signal"?

1 A. Maybe signal.

2 Q. And do you know what you meant by that?

3 A. I meant, like -- maybe I meant, like,
4 the ID, it look like stars or something like that.

5 I don't remember.

6 Q. So you meant there was some sort of
7 symbol or something that you could see on the
8 badge, like looking at a coin, for example?

9 A. Yeah. Yes, that's what I mean.

10 Q. Okay. All right. I want to show you
11 one more thing. I'm going to show you this. I'm
12 not going to mark it. But hang on one second.

13 Sarah, do you see this document on the
14 screen?

15 A. Yes.

16 Q. Do you recognize this?

17 A. Yes.

18 Q. Okay. And then I'm going to scroll to
19 the last page.

20 Is that your signature at the top?

21 A. Yes.

22 Q. Okay. Did you type this document on
23 your computer?

24 A. Huh?

25 Q. Did you type this document?

1 A. That's me. I print it by myself? Do
2 you mean I print it by myself, or what --

3 Q. No. I mean, did you write it?

4 A. What do you mean by "write it"? Like,
5 write it by myself?

6 Q. Did you write these words? Did you go
7 into your computer and create this document, or
8 was it sent to you?

9 A. This document, the attorney of Columbus
10 City talk with me through the phone and we do it
11 together.

12 Q. Okay. So you're saying she was talking
13 to you and she was typing, or did she talk to you
14 and then later on send you this typed-up document
15 for you to sign?

16 A. She talk with me. Then she send me a
17 paper. Then I told her to change some part on it.
18 Then she type it again. I read it and see it,
19 then I sign it.

20 Q. Okay. And were you sending these
21 versions of this in email?

22 A. No. I got them to their office and sign
23 it.

24 Q. And how was it sent to you? Was it sent
25 to you --

1 A. By email, yes. By email.

2 Q. And do you still have those emails?

3 A. Yes, I still have them.

4 Q. Okay. And what did you change?

5 A. You know, I don't remember what I
6 change, but -- do you want me to open the email
7 and see?

8 (Witness reviews document.)

9 MS. PICKERILL: While we're waiting, I'm
10 just going to put an objection on the record to
11 the work product nature of these drafts.

12 But you can carry on once we're ready.

13 (Pause in proceedings.)

14 BY MR. BOND:

15 Q. How many different drafts were sent to
16 you, Sarah?

17 A. Two. But I can't find them. That's why
18 I try to open.

19 Q. So did you change words around? Do you
20 know what you changed?

21 A. Yeah. I change the part, 16. Show me
22 something. Could you open your 16?

23 Q. Yeah, I'm looking at it right there.

24 "Mr. Burk then showed me something and I
25 was unsure of whether this was an official badge

1 or not."

2 A. Yes, I changed this part.

3 Q. Okay. What did it say before?

4 MS. PICKERILL: Objection; that's
5 privileged under work product.

6 MR. BOND: I mean, this is a third
7 party. You don't get to claim work product when
8 you're doing a statement from an independent third
9 party. If it was your client's statement in
10 anticipation of litigation, that's fine.

11 MS. PICKERILL: My understanding from
12 looking at the case law is that all drafts of
13 affidavits and other filings with the court are
14 going to be privileged work product material.

15 MR. BOND: Are you instructing the
16 witness not to answer, who is not your client?

17 MS. PICKERILL: No. That's why I
18 certainly didn't say that. I told you that I'm
19 objecting under privilege.

20 BY MR. BOND:

21 Q. All right. Sarah, what did it say
22 before, Number 16?

23 A. I don't remember. I can't answer.

24 Q. Did you change any other numbers besides
25 16?

1 A. No.

2 Q. That's it?

3 A. Yes, that's it.

4 Q. You made changes to 16 and then you
5 signed this document?

6 A. Yes.

7 Q. And you did not type this document?

8 A. Huh?

9 Q. You didn't type this document; someone
10 else did, yes?

11 A. Yes, but we do it together.

12 Q. Other than in connection with this
13 document, did you have any other conversations
14 with Ms. Pickerill?

15 A. Who is Ms. --

16 Q. Allie Pickerill. Did you talk to Allie
17 on the phone other than about this document?

18 A. No. We talk about this document. Just
19 this document.

20 Q. Okay.

21 MR. BOND: All right. That's all of the
22 questions I have.

23 MS. PICKERILL: All right. Thank you.

24

25

1 EXAMINATION

2 BY MS. PICKERILL:

3 Q. Good morning, Sarah. Like we just kind
4 of talked about, you and I have spoken on the
5 phone before and we met in person to sign this
6 affidavit.

7 A. Yes.

8 Q. Have you and I met in person any other
9 time?

10 A. Like just when we sign it. Only when we
11 sign it.

12 Q. Did you know me before we talked on the
13 phone the one time about this case?

14 A. No.

15 Q. Okay. Did you know either of the
16 Columbus police officers before you filled out
17 this affidavit?

18 A. No.

19 MS. PICKERILL: I'm going to share my
20 screen with the affidavit again and mark it as an
21 exhibit for the deposition.

22 THE WITNESS: Yes.

23 - - -

24 (Plaintiffs' Exhibit 4 marked.)

25 - - -

1 BY MS. PICKERILL:

2 Q. Can you see that?

3 A. Yes.

4 Q. Okay. Is everything in this affidavit
5 true to the best of your memory?

6 A. Yes, sir. From my memory, I -- yes, I
7 think all of the stuff is true. But when I hear
8 the sound -- the video that he play, when I say,
9 "He say I couldn't call the police," but then I
10 tell the police, "Yes, he told me yes, call the
11 police."

12 Q. That's okay. It was a long time ago.

13 A. Yeah. Yes. This surprise me. I don't
14 remember.

15 Q. Sitting here today, do you remember
16 whether or not Mr. Burk told you that you couldn't
17 call the police?

18 And if you don't remember, that's okay,
19 too.

20 A. You know, I don't know, because I say
21 is -- no, I don't remember. Yeah, I don't
22 remember.

23 Q. I understand.

24 A. Yeah. Because I think I say "no," but
25 when I hear the video, I say "yes." I don't know

1 if that happened or not.

2 Q. When you signed the affidavit, did you
3 truly believe that what he told you was that you
4 could not call the police?

5 A. When I sign it?

6 Q. Yes.

7 A. Yes, I thought he told me "no." Yeah.

8 Q. Okay.

9 A. Yeah.

10 Q. So can you -- I want you to kind of walk
11 me through what happened a little bit.

12 What do you first remember about
13 Mr. Burk showing up at your house?

14 A. I remember that the door knocked very
15 hard. I go to the door to respond to him. He ask
16 me about my husband. I told him he's outside.
17 He's not here. And he say, "Open the door. Open
18 the door." I told him, "I can't open the door,
19 I'm sitting with my kids alone by myself. My
20 husband not here. Why I open the door?" And he
21 told me, "Liar." And he -- like, he screaming on
22 me. And he knocked very hard. He scared me.
23 That why I didn't believe him. I call the police
24 to see if he's right with the police or not. That
25 the reason led me to call the police.

1 Q. When you say you didn't believe him, do
2 you mean you didn't believe that he was a police
3 officer?

4 A. Yes. Because he act very aggressive and
5 he say liar with no reason. I didn't do anything
6 wrong to tell me, "Liar. You're a liar. Open the
7 door. Open the door." And he knocked very hard.
8 Tried to force me to open the door.

9 Q. How did he try to force you to open the
10 door?

11 A. Like, all the time he don't stop
12 knocked. He keep knocked. When I talked, he
13 knocked, he knocked, he knocked.

14 Q. Did you get the impression that he was
15 going to leave your house before --

16 A. No.

17 Q. -- you opened the door?

18 A. No. He say, "If you don't open the
19 door, I stay until night. I knock the door."
20 That's why I call police. Because he say, "I will
21 stay until night. Knock the door this hard." My
22 kids start crying, we scared.

23 Q. When he told you that he would stay at
24 your house all night if you didn't open the door,
25 did you feel threatened by that?

1 A. Yes, I feel threaten, because I'm afraid
2 if he can break the door and get in. Because I
3 don't know if he's police or not. That's why.

4 Q. When you were able to see him out the
5 window, did he have on a police uniform or
6 anything like that?

7 A. No. No, that's why. He wear, like,
8 pants -- regular pants and shirt. And there is no
9 police car outside.

10 Q. Did his clothes have any, like, big
11 lettering on them that said ATF or anything like
12 that?

13 A. No. Nothing. Nothing.

14 Q. When you were able to look at him out
15 the window, did you notice whether he was wearing
16 a police badge sort of on a necklace or --

17 A. No, he didn't wear that. I think he
18 didn't.

19 Q. You told us that he told you to open the
20 door and then he called you a liar.

21 A. Yes.

22 Q. Do you remember anything else that he
23 said to you?

24 A. I remember he said, "Liar. Liar. Open
25 the door." That's how I remember.

1 Q. When you told him -- scratch that.

2 When he told you that he would stay at
3 your house all day, how did you respond to that?

4 A. I already got to call 911 when he did
5 that.

6 Q. Okay. And did he respond to you at all
7 the various times you told him you were calling
8 911?

9 A. No, he didn't. He keep knock the door.
10 Even when I got off the phone. I already told him
11 I'm with the 911, and he keep knock the door.
12 "Open the door," say, "Open the door. Open the
13 door." And I already told him, "911 will come.
14 The police will come."

15 Q. When you very first heard him knock on
16 the door --

17 A. Yes.

18 Q. -- and you didn't yet know who it was --

19 A. Yes.

20 Q. -- why didn't you open the door?

21 A. Because the -- he knocked very hard.
22 That's why. That surprised me. That's why. He
23 knocked very hard at the beginning. Like not the
24 regular knocked.

25 Q. And is --

1 A. I thought something was happening.

2 Q. Sorry. Say that one more time.

3 A. Like, I thought, like, something
4 happened, why he knock the door this hard.

5 Q. When you say you thought maybe something
6 happened, what do you mean?

7 A. I don't -- like, it's not the regular
8 thing. It's not regular thing.

9 Q. Eventually did you go down into your
10 basement?

11 A. Yes. I get my kids and get down to the
12 basement.

13 Q. You had two kids at home with you?

14 A. Three.

15 Q. Three kids?

16 A. Yes.

17 Q. And all four of you went down to the
18 basement?

19 A. Yes.

20 Q. Why did you do that?

21 A. Because I'm scared when the police come
22 and the 911 told me to go to the safe place.
23 Because I'm afraid if someone going to shot or
24 something like that, shot gun, or -- yeah. So I
25 take my --

1 Q. Did you notice if Mr. Burk had a gun
2 when he was at your front door?

3 A. No, I --

4 Q. Okay.

5 A. I don't remember.

6 Q. So you didn't see the Columbus police
7 officers arrive there because you were in the
8 basement; is that right?

9 A. At the beginning when I saw them, I take
10 my kids and went to the basement --

11 Q. Okay.

12 A. -- when I saw them.

13 Q. Did you purposefully wait for the CPD to
14 arrive before you went to the basement?

15 A. Yes, because -- yes, I'm waiting to see
16 if someone coming, to -- yeah.

17 Q. Did you recognize those police officers
18 immediately as police officers?

19 A. Yes, by their uniform. Yeah, by their
20 uniform.

21 Q. Okay. And so if someone showed up at
22 your house and said that they were a police
23 officer, what would you expect to see that person
24 wearing or acting or doing? What would you expect
25 from a police officer?

1 A. At least I expect they act nicely, why
2 they shout or they say liar or they do -- insult
3 me. Why? I didn't do anything wrong. At least
4 they --

5 Q. Did you have --

6 A. -- act nicely. And wear, like, uniform.

7 Q. Before Mr. Burk arrived at your house,
8 did you have any reason to suspect that someone
9 from ATF might be coming to your home?

10 A. No, no, I didn't suspect that.

11 Q. Did Mr. Burk ever tell you that he had a
12 warrant to come inside of your home?

13 A. What you mean by "warrant"? Like --

14 Q. So a warrant is a type of legal document
15 that allows police officers to search for certain
16 things and go certain places. It's like a piece
17 of paper, but if he -- did he ever mention a
18 warrant to you?

19 A. I don't remember.

20 Q. Okay.

21 A. But he just knock the door and say,
22 "Open the door. Open the door. I need your
23 husband." I already told him my husband not here,
24 why you want me to open the door. He's not here.

25 Q. Jon asked you about Mr. Burk having some

1 papers in his hand. Did he ever show you -- did
2 Mr. Burk ever show you what those papers were?

3 A. No. He just -- I -- I don't remember,
4 but I think he just show me his badge. Because
5 the door is closed. I can't see any paper.
6 Through the window, I can't -- I don't -- I don't
7 remember if he show me paper or not. I don't
8 think so.

9 Q. That's all right.

10 We talked a little bit about the badge
11 that he showed you.

12 A. Yes.

13 Q. Why were you unsure whether or not it
14 was a real badge?

15 A. Like, if he show me any badge, how do
16 you know who have this badge? How do you know?
17 I'm not in the government and know all of the
18 badges or stuff.

19 Q. And how --

20 A. I don't know if that's true or that's
21 fake badge. How can I know?

22 Q. Is there anything else that you remember
23 about that incident that we haven't asked you
24 about or you want to tell us or that you think is
25 important?

1 A. No.

2 Q. When we spoke to write your affidavit --

3 A. Yes.

4 Q. -- did I try and persuade you in any way
5 to write any --

6 A. No.

7 Q. -- of the affidavit?

8 A. No, no.

9 Q. All of the facts in the affidavit, are
10 they true as you remembered them when we signed
11 it?

12 A. Yes. When I sign them, yeah. All of
13 them true.

14 Q. And you already said this, but you read
15 the affidavit before you signed it?

16 A. Yes.

17 MS. PICKERILL: All right. Thank you
18 very much. I think those are all of the questions
19 that I have.

20 MR. BOND: I just had a few more, Sarah,
21 real quick.

22 THE WITNESS: Yes.

23 FURTHER EXAMINATION

24 BY MR. BOND:

25 Q. The 911 call, I remember, you saw -- and

1 Allie touched on this -- you saw the Columbus
2 police officers arrive to your apartment, yes?

3 A. Yes. Yes, I saw them.

4 Q. And you saw them -- that the Columbus
5 police officer had his gun out and pointed at
6 Agent Burk, right?

7 A. Yes, I saw that, yeah.

8 Q. And you told the 911 officer -- you
9 sounded surprised when you told the 911 officer
10 that the police showed up with their guns; is that
11 right?

12 A. Yeah. I told them they show up with
13 their guns, yeah.

14 Q. And then you became scared and went into
15 the basement, yes?

16 A. Yeah.

17 MS. PICKERILL: Objection.

18 A. Yeah, I did. I took my kids and I go to
19 the basement, yeah.

20 Q. Because you thought someone might get
21 shot or there could be a bullet that --

22 A. Yeah, maybe some accident happen or
23 maybe they shot us or shot my kids, something
24 through the door or through the window come to us
25 and shot us, yeah.

1 MR. BOND: That's all I have.

2 MS. PICKERILL: Just real quickly.

3 FURTHER EXAMINATION

4 BY MS. PICKERILL:

5 Q. Were you aware of Mr. Burk or of the
6 uniformed police officers on that day?

7 A. I'm afraid if he, like, don't responds
8 to them and they will shoot him, I'm afraid about
9 that. Or maybe he has a gun or shoot them, you
10 know. I'm afraid from that. Because I don't know
11 who is he and how he can -- what maybe -- I don't
12 know who is he. That's why. I thought he's like
13 maybe he's a criminal. That's why. I thought
14 maybe he shot them, they shot him. I'm afraid
15 about that.

16 Q. Did you feel threatened or scared before
17 the Columbus police officers arrived?

18 A. Yes, I'm feeling scared. That's why I
19 called them before they came, yeah.

20 Q. And before you went into the basement,
21 did you want to make sure that uniformed police
22 came to take care of the incident?

23 A. Yeah, yeah. Yeah, that's why I called
24 them. I want them to come and save me, yeah.

25 MS. PICKERILL: Thank you. That's all I

1 have.

2 MR. BOND: That's it for me, too.

3 MS. PICKERILL: We'll order a copy.

4 MR. BOND: We'll take a copy.

5 Right.

6 (Stenographer instructs witness as to
7 signature.)

8 THE WITNESS: Waive.

9 (Signature waived.)

10 - - -

11 Thereupon, the testimony of May 25,
12 2023, was concluded at 10:55 a.m.

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1 CERTIFICATE

2 STATE OF OHIO:

SS:

3 COUNTY OF DELAWARE:

4 I, Sara S. Clark, Registered Merit
5 Reporter, Certified Realtime Reporter, Certified
6 Realtime Captioner, a Notary Public in and for the
7 State of Ohio, duly commissioned and qualified, do
hereby certify that the within-named SARAH AL MALIKI
was duly remotely sworn to testify to the truth, the
whole truth, and nothing but the truth.

8 I DO FURTHER CERTIFY that the
9 foregoing is a verbatim transcript of the
10 testimony as taken stenographically by me at the
time, place, and on the date hereinbefore set
forth, to the best of my ability.

11 I DO FURTHER CERTIFY that I am neither
12 a relative nor employee nor attorney nor counsel
13 of any of the parties to this action, and that I
14 am neither a relative nor employee of such
attorney or counsel, and that I am not
financially interested in the action.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and affixed my seal of office at Delaware,
Ohio, on this 1st day of June, 2023.

17

18

19



20

Sara S. Clark, RPR/RMR/CRR/CRC
Notary Public, State of Ohio
Registered Merit Reporter
Certified Realtime Reporter
Certified Realtime Captioner

21

22

23 My commission expires: March 10, 2028

24

25